THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITIION No. 1625 of 2000

O R D E R :

Heard both sides.

The petitioner, who is running a rice mill, seeks to assail the impugned proceedings of assessment in regard to certain irregularities found during inspection which was conducted on 24.12.1997 wherein it was found that there was no meter box; meter disc was found struck up in all three phases when tested with 4 KW heater load and also with consumer load of 20 HP motor; meter cover left side left top corner, meter cover top, meter cover right side and right top corner were found beaten with some external appliance; and the meter fixing studs of left top, right top and bottom sides were found cut. Subsequently, after making provisional assessment, final assessment was made at Rs. 1,04,265/-. On appeal, the same was confirmed. Hence, this Writ Petition.

Though several contentions are sought to be urged in this Writ Petition, however, the fact remains that both the authorities have found the petitioner responsible for such acts and in fact, it amounts to pilferage of energy. Having regard to such findings, I do not find any justification to interfere with the same in this Writ Petition filed under Article 226 of the Constitution of India. However, by taking into account the fact that the inspection was made as long back as on 24.12.1997 and also that the petitioner has already paid Rs. 76,921/-, it would suffice in the interest of justice to reduce the assessed amount to the extent already paid by the petitioner viz. Rs.76,921/-.

The Writ Petition is, accordingly, partly allowed restricting the assessed amount to the extent already paid by the petitioner viz. Rs.76,921/-. No costs.

(B.Prakash Rao, J.)

23.12.2004

DRK